

ADMINISTRATIVE RULES PUBLIC COMMENT
RESIDENT ADVOCATE COMMITTEES – CHAPTER 321-9
MAY 7-27, 2008

SUBMITTED BY	RULE CITATION	COMMENTS	DEPARTMENT RESPONSE
The Heritage Agency	9.3 (3) and 9.3(4)	As advocates for older adults we do not believe that nursing home administrators should be involved in the decision making process related to approving or not approving Resident advocate volunteer applications. Although we understand that a partnership must be established between nursing home administrators and resident advocate committees, it is clearly a conflict of interest to have the nursing home administrator involved in the selection process of advocates charged with protecting and serving the residents who live in the facility they administer.	<p>Current rules do not preclude an administrator from recruiting new members to a committee. Administrators have always had the opportunity to be involved in the process.</p> <p>The proposed rules will require a conversation between the Resident's advocate/ombudsman (State Long-Term Care Ombudsman) and the administrator so that boundaries between former and current employee's or family members of current employees are understood.</p> <p>The current rules require a waiver under certain conditions. This may result in a two to three month delay in the RAC volunteer assuming their duties, due to the timing of Departmental Commission meetings. Changing the process will allow the volunteer to participate in orientation and begin volunteer duties in a more timely manner.</p>
Iowa Health Care Association	9.5	<p>...IHCA/ICAL wants to ensure that the process maintains objectivity and respectfully requests that the following reason for termination be added to proposed section 9.5(2):</p> <p>h. fails to maintain objectivity or becomes adversarial to the facility.</p>	This is covered under 9.5(g) Actions which are found by the director to violate these rules or the intent of the state long-term care ombudsman program.

Iowa Health Care Association	9.12	We are most concerned with the fact that Resident Advocate Committee members are not trained in conducting complaint investigations, cannot access records to thoroughly investigate and are not trained or educated on the complex state and federal regulations surrounding long-term care.	The Resident Advocate Program, which is unique to Iowa was established in the 1970's as a means of extending oversight. Since the Iowa Code requires this process, DEA is obligated to comply.
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